

Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff
ELIZABETH PALISOC AGNIR

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ELIZABETH PALISOC AGNIR,

Plaintiff,

v.

THE GRYPHON SOLUTIONS, LLC, a
California limited liability company;
MICHAEL CHARLES BRKICH, individually
and in his official capacity; JAY MICHAEL
TENENBAUM, individually and in his official
capacity; IAN NATHAN WILLENS,
individually and in his official capacity,

Defendants.

Case No. 5:12-CV-04470-LHK-HRL

**STIPULATION TO AMEND BRIEFING
SCHEDULE AND ~~PROPOSED~~ ORDER**

[N.D. Cal. Civ. L.R. 6-2]

THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. On August 24, 2012, Plaintiff filed her Complaint (Doc. 1) in this case alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, and the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.* Plaintiff's Complaint also seeks actual damages, statutory damages, declaratory and injunctive relief, attorney fees, and costs pursuant to Cal. Civil Code §§ 1798.92-1798.97.

2. On September 24, 2012, Defendants filed their Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted (Doc. 16).

1 3. On September 25, 2012, Defendants filed their Motion to Strike (Doc. 17).

2 4. Plaintiff filed her Opposition to the Motion to Dismiss (Doc. 26) and Opposition to
3 the Motion to Strike (Doc. 27) on October 22, 2012.

4 5. Thereafter, On February 1, 2013, Defendants engaged their current counsel. (Docs.
5 34 and 35).

6 6. On February 20, 2013, the parties filed a Stipulation and Order Granting Leave to
7 File First Amended Complaint and Withdrawing Defendants' Motion to Dismiss and Motion to Strike
8 (Doc. 36).

9 7. Thereafter, on March 4, 2013, Plaintiff filed her First Amended Complaint (Doc.
10 40).

11 8. On March 18, 2013, Defendants filed their Motion to Dismiss for Failure to State a
12 Claim Upon Which Relief Can be Granted (Doc. 43) and a Motion to Strike Pursuant to FRCP 12(b),
13 FRCP 12(f) and CCP § 425.16.

14 9. Defendants motions are currently set for hearing on July 18, 2013, at 1:30 p.m.
15 before the Honorable Lucy H. Koh (Doc. 45).

16 10. The parties request that the Court enter an order modifying the briefing schedule
17 for Defendants' motions as follows:

18 a. Plaintiff's opposition briefs shall be filed on or before May 10, 2013.

19 b. Defendants' reply briefs shall be filed on or before May 31, 2013.

20 11. The briefing schedule has not been previously modified.

21 12. The modified briefing schedule will have no effect on the July 18, 2013, hearing
22 date.

23
24
25
26
27
28
///

1 IT IS SO STIPULATED.

2 CONSUMER LAW CENTER, INC.

3
4 Dated: March 21, 2013

By: /s/ Fred W. Schwinn
Fred W. Schwinn, Esq.
Attorney for Plaintiff
ELIZABETH PALISOC AGNIR

7
8 COLEMAN & HOROWITT, LLP

9 Dated: March 21, 2013

By: /s/ Keith M. White
Keith M. White, Esq.
Attorney for Defendants
THE GRYPHON SOLUTIONS, LLC,
MICHAEL CHARLES BRKICH,
JAY MICHAEL TENENBAUM,
and IAN NATHAN WILLENS

14
15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: March 22, 2013


The Honorable Lucy H. Koh
United States District Judge